

**CONSERVATION COMMISSION
REGULAR MEETING
REGULAR MEETING (via Teleconference)
Conducted via Zoom; Broadcast Live via Seekonk TV-9
December 13, 2021**

REGULAR MEETING

Present: K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan and Conservation Agent, J. Miller

7:00 p.m. Agent Miller opened the meeting of the Seekonk Conservation Commission and reviewed meeting protocols. She stated that the meeting will be broadcast live via TV9.

Public Hearing:

NOI #SE69-0923; Anna Ct, 59 (Map 21/Lot 298)

Proposed restoration of a jurisdictional wetland resource area.

Applicant: Jared & Linda Minieri

Representative: Ecosystem Solutions Inc.

Continued from November 15, 2021.

Agent Miller explained this filing is for proposed restoration of a jurisdictional wetland resource area and associated buffer zone (in response to a Notice of Violation).

Bruce Webb, Ecosystem Solutions showed the revised restoration plan and explained 4 Maple trees will be replaced in kind within the wetland boundary; a wetland seed mix will be distributed at 1 lb. per 2500 sq ft. throughout the disturbed area; 6 spice bush or other acceptable species will be planted half way in the restoration area; the gate has been removed from the fence; the cross-sectional detail for the proposed retaining wall has been obtained; a variance request letter has been submitted and included on the plan. Mr. Webb asked if a wetland flower pollinator mix could also be used to improve the wetland function in that area. He confirmed the plan has a 2-year monitoring timeline with a 75% survival rate and discussed plant options depending on nursery availability.

**J. Sullivan made a motion to close NOI #SE69-0923; Anna Ct, 59; A. Petronio seconded.
Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor.**

**K. Kearney made a motion to approve a variance as noted on the plan and in the variance request letter for NOI #SE69-0923; Anna Ct, 59; N. Socha seconded.
Roll Call Vote: 3-0-2 K. Kearney, N. Socha, R. Emlen– in favor (A. Petronio, J. Sullivan abstained).**

**N. Socha made a motion to approve NOI #SE69-0923; Anna Ct, 59 under the MA Wetlands Protection Act; K. Kearney seconded.
Roll Call Vote: 3-0-2 K. Kearney, N. Socha, R. Emlen– in favor (A. Petronio, J. Sullivan abstained).**

**N. Socha made a motion to approve NOI #SE69-0923; Anna Ct, 59 under the Seekonk Wetlands Protection Bylaw; R. Emlen seconded.
Roll Call Vote: 3-0-2 K. Kearney, N. Socha, R. Emlen– in favor (A. Petronio, J. Sullivan abstained).**

There is a 10-day appeal period from the date of the issuance of the Order of Conditions.

NOI #SE69-0936; 100, 108 & 110 Old Fall River Rd (Map 3, Lots 37, 43 & 44)

proposed construction of a commercial building with associated grading within jurisdictional wetland resource areas.

Applicant: Mike Albernaz (R&R Stone Products)

Representative: InSite Engineering

Continued from November 15, 2021.

Continued to January 10, 2022.

Chris Andrade, InSite Engineering represented the applicant, R&R Stone Products. He reported he has made several site visits with the Conservation Agent and a botanist; he presented a revised plan with revised wetland lines and reported that the property has been reflagged. They are in the process of testing the wetlands soils, hopefully before winter. This site has historically been an industrial site since the 1970's or earlier, so the filled material makes identifying the wetland difficult. Mr. Andrade reported he had the client remove debris and stockpiled stone/pallets from the wetland; remove hard-packed gravel, and install a straw wattle along the 25' buffer. The previous loading area has been demolished and removed. The client is looking to move forward with a building pad site and permitting of the impervious/existing pavement.

While site was developed (dirt commercial yard) prior to Wetlands Protection Act (WPA), aerial imagery shows lots of unpermitted changes, especially around 2018 when much of site was asphalted. Once soils are complete, an accurate wetland line can be determined and shown on a revised plan. Agent Miller commented that we need to look at the remaining wetlands using aerial imagery to see how they have been encroached upon over time.

Agent Miller noted that the site is very flat and stated that the chain-link fencing may be inside the wetland and possibly should be moved to the 25' where possible so that there is a buffer between the site activities and the wetlands themselves. It was discussed that a chain-link fence was more appropriate for this site than the customary split-rail fence.

Per MassDEP comments, no stormwater report was submitted and a full stormwater analysis is required.

Lisa Caledonia, LSD Environmental Consulting commented that perc tests will have to be done.

R. Emlen made a motion to accept the continuance for NOI #SE69-0936; 100, 108 & 110 Old Fall River Road to January 10, 2022 sometime after 7:00 p.m.; A. Petronio seconded.

Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor.

ANRAD #SE69-0941; 1530 Fall River Ave (Map 4/ Lot 5)

Verification of field-delineated wetland resource areas.

Applicant: Gary Mello

Representative: LSC Environmental Consulting

Continued from November 15, 2021.

Continued to January 10, 2022.

Lisa Caledonia, LSC Environmental Consulting represented the applicant. She reported she met onsite with Tony Perusi and flagged the MAHWL of two potential vernal pools (C&D Series). The 100 ft buffer has been added to those on the plan, the cart path that bisects the wetlands has been labeled, and the bank of both sides of the stream has been flagged. A note was added to the plan stating "this ANRAD is for the southern side of the wetland resources only." Another site visit will be made to further investigate a possible culvert that she and Tony could not find.

Agent Miller commented she would like to take a look at the wet ditch tributary to Torrey Creek that comes down toward the 25' wetland buffer, as well as look for a connection to the flow on the eastern side of the cart path. Upon site visit, it was evident to the Agent that the stream continues on opposite side of the path as exits "ponded area," which matches with MapGeo findings. Agent Miller to schedule another site visit with PWS to review wetland line on-site. Vernal pools locations to be shown on the plan with actual rather than estimates. K. Kearney commented that this is a complex site.

A. Petronio made a motion to continue ANRAD #SE69-0941; 1530 Fall River Ave to January 10, 2022 sometime after 7:00 p.m.; R. Emlen seconded.

Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor.

NOI #SE69-0942; 965 Fall River Ave, & 0 Progress St (Map 8/Lots 20, 101, 103, & 116)

Proposed secondary paved access road to a commercial property currently under construction within jurisdictional wetland resource areas.

Applicant: 965 Neon Seekonk, LLC

Representative: DiPrete Engineering

Agent Miller read in the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** via remote session on **MONDAY, December 13, 2021 after 7:00 p.m.** on a **Notice of Intent** by **965 Neon Seekonk, LLC** for **965 Fall River Ave & 0 Progress St (Map 8/Lots 20, 101, 103, & 116)** for a proposed secondary paved access road to a commercial property currently under construction within jurisdictional wetland resource areas.

Jason Clough, DiPrete Engineering represented the applicant and summarized the project. He reported that Lot 116 was purchased for the purpose of a secondary access road to the existing developed site. The access road off Progress Street is in the Conservation's jurisdiction. Stormwater treatment will be added.

Agent Miller noted that it is currently paved to the wetlands side and already impacted. The existing pavement access that leads up towards the applicant's building is an old MassDot access road; and the applicant is looking at removing some of the asphalt, which is a betterment.

Mr. Clough reported that his Landscape Plan 1 proposed buffer plantings on the planting schedule as well as revegetate other areas outside of the new roadway with a wetlands seed mix. Ms. Kearney discussed the plant list and noted there isn't a fence on the submitted revised plan; the fence at the 25' is a requirement. Nick Giacobbi, 965 Neon LLC was present and agreed to be cooperative with the Commission's preferences. The split rail fence is recommended between roadway and wetlands. The exact location of the fence and trees in the buffer zone were discussed. A Continuance is needed due to pending stormwater peer review. Mr. Clough reported he will be updating the plans based on the peer review comments received this evening, and the applicant has a meeting with the Planning Board tomorrow evening.

Ms. Miller highlighted that the plan changes due to significant comments related to the second access road and stormwater treatment include gutter flow to both sides of the street and crowing it. Erosion controls around the wetland area were discussed including where the roadway is being removed (note: no wattles allowed); a construction entrance will be added to the site.

A. Petronio made a motion to continue SE69-0942; 965 Fall River Ave, & 0 Progress St to January 10, 2022 sometime after 7:00 p.m.; R. Emlen seconded.

Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor.

NOI #SE69-0947; 0 Woodland Ave (access via Burnside Ave) (Map 36/Lot 16)

Proposed construction of a driveway with associated grading, within an access easement, for access to a future single-family home within jurisdictional wetland resource areas.

Applicant: Sagar Services, Inc.

Representative: Caputo and Wick, Ltd..

Agent Miller read in the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** via remote session on **MONDAY, December 13, 2021 after 7:00 p.m.** on a **Notice of Intent** by **Sagar Services, Inc.** for **0 Woodland Ave (Map 36/Lot 16)** for proposed construction of a driveway with associated grading, within an access easement, for access to a future single-family home within jurisdictional wetland resource areas.

David Bray, Caputo and Wick, Ltd represented the applicant, Gary Sagar. He explained the wetlands were flagged by Scott Hobson of his office some time ago (2007) using the 3-parameter approach. The proposed driveway and split-rail fence are within a few feet of the bvww, no disturbance is proposed and no fill will be placed within the delineated wetland resource areas. The parcel predates the creation of the Conservation Commission Regulations; if necessary, the applicant is requesting a variance/relief from Section 2.2.2.2 of those regulations. Mr. Bray showed a plan of the overall Burnside Avenue area including the easement granted to Mr. Sagar in 2007 by the Town by Deed of Easement. He showed Record Lot 1, 2 and 3 of Phase II of Brigham Farm and pointed out where the proposed driveway would come off of from Brigham Farm I. He showed the work is proposed inside the 50' and the 25' buffer zone at Flags A51-56. As part of Phase II, there was a drain constructed in Burnside Avenue that drains through between Lots 1 and 2 to a grass swale that flows from a through a swale onto Town property and into the wetland. The driveway proposes a 12" pipe under it so the water does not wash across the driveway. The plan also proposes boulders along the driveway so the grade can be elevated 2 feet; 4x4 fence posts with placards are proposed marking the wetlands. The 50' access easement will contain a 20' gravel driveway centered within the easement to Mr. Sagar's property in the back. The driveway will contain 6" of graded aggregate on top of a 12" sub-base course. The perimeter will be protected by a compost filter sock.

Agent Miller reiterated her request for a plan revision including Street addresses for Lots 1 and 2 to clarify where the different drainage easements come across the lots. She commented that the flags were done a long time ago, and it would be helpful to have the flags relevant re-established to give a sense of place (Flags A51-56). K. Kearny commented that relevant flags older than 10 years old should be re-established. She asked how the stormwater structures are holding up as they will impact this site. Agent Miller reported Brigham Farm II is not accepted by the Town, and she could not speak to whether they were constructed as designed or their condition. She stated her concern is that if we are providing an outlet from the "unaccepted" subdivision of Brigham Farms II under the proposed driveway from that stormwater structure being directed onto Town property and into a wetland area, we should be sure there aren't any concerns from Town Counsel. There is a request pending with Town Counsel.

Fire Department and NFPA requirements for the driveway were discussed. Ms. Miller asked about the pitch and crown of the proposed roadway. Mr. Bray reported a section water would sheet flow into a depression and the rest would sheet flow to the south with only minor change in grades; any spot elevations will be added to the plan. Sizing for pipe under the roadway was discussed as well as water filtration and velocity (no calculations). Boulders will sit flush, and a guardrail is not needed. The current configuration of stormwater runoff was explained.

Mr. Petronio asked how we got to the point of a project in the 25' No Touch. Mr. Sagar stated that the reason is that this is the only way he can access his land and he is requesting a variance. Ms. Miller reiterated that a variance can be granted for 2 reasons, at the Commission's discretion: 1) overriding public interest, or 2) lots created prior to the provision requesting the variance. Variance language to be added to the plan and variance to be requested in a separate letter.

Jim Troiano, 154 Burnside Avenue (Lot 1 on the Plan) expressed concern for the construction of an elevated driveway. He is concerned with erosion and runoff into the swale at the 90-degree turn in the road. He was further concerned for fire truck access and especially for the impact to the swale at the rear of his property.

Mr. Bray discussed options for the location of the pipe. It was noted that the drainage easements have not been deeded to the Town yet. Agent Miller commented that in doing what is proposed, we are bypassing part of the stormwater design for Brigham Farms II. We are directing water from the roadway that goes into that pipe; instead of feeding through that swale and out letting over towards the upper part of the turn, we are out letting it sooner; that is not how it was designed. When you are talking about major changes and out letting onto Town property, it needs to be looked at very carefully. Mr. Bray explained that Brigham Farm Phase II stormwater was designed to go into the grass swale and then onto the Town property.

Ms. Kearney stated that the problem with incremental development is you have the impact from the old and new developments, and workarounds must be designed and implemented. Mr. Bray stated that additional pipes could be added. Agent Miller asked for drainage notations on the plan showing which way the roadway is crowned in each section. She stated there are checks and balances, and she reminded everyone that there will be an approved plan tied to the OOC's, and at the end of construction, the applicant must come back for a COC with an As-Built that matches the approved plan.

A. Petronio made a motion to continue NOI #SE69-0947; 0 Woodland Ave to January 10, 2022 sometime after 7:00 p.m.; K. Kearney seconded.

Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor.

NOI #SE69-0943; 14 Cooper Rd (Map 21/Lot 352)

Proposed construction of a single- family home with associated grading within jurisdictional wetland resource areas.

Applicant: Malloch Construction

Representative: InSite Engineering

Agent Miller read in the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** via remote session on **MONDAY, December 13, 2021 after 7:00 p.m.** on a **Notice of Intent** by **Malloch Construction** for **14 Cooper Rd (Map 21/Lot 352)** for proposed construction of a single- family home with associated grading within jurisdictional wetland resource areas.

Chris Andrade, InSite Engineering represented the applicant and summarized the project for a 4-bedroom single-family home. The proposed area of disturbance has a portion in the 200' Riverfront. He reported that this lot accounts for 6.7% of the calculation for the total disturbance for the Cooper Road Definitive Subdivision Project (14,000 sq ft, which is the allowed 10% alteration within a riverfront zone). Erosion controls will be used at the front of the street and a construction entrance with ¾ to 1 ½-inch crushed stone is proposed. The proposed grading is such that water will shed to the back of the property with a swale to the southern side. He reported they are under the total impervious allowed for this lot.

It was noted that this is Version 2 of the Plan dated today and submitted this evening 12.13.2021. The revisions included moving the septic leach field outside the stormwater drainage easement and added a boulder retaining wall to prevent scour and protect the leach field.

There are still outstanding items to address including: (1) the incorrect installation location of the split-rail fence (per the approved plan for the subdivision NOI filing), (2) NOI page revisions, (3) revised fees for Riverfront Area. Riverfront Area (RA) calculations to be revised to meet 310 CMR Performance Standards of 10% or less new development.

The split-rail fence location was discussed. LOD stakes are incorrect, and fence is installed in the incorrect location (impacting more than it is supposed to) and not according to the approved plan. K. Kearney stated this has to be addressed immediately.

Paul Carlson, InSite Engineering disagreed stating he felt the LOD's were staked according to the Definitive Plan and offered to meet on site. Agent Miller respectfully disagreed stating she measured and provided photos; the LOD should be at the 50' and it is measuring at 35'. She reported that she had emailed the engineer a few weeks ago with the 15' discrepancy; additionally, she made several site visits including meeting with Malloch Construction. A site visit is needed with the Agent and the engineer to address the LOD stakes and limited clearing that has occurred.

It was discussed/agreed that the plan annotates the fence correctly, but the physical fence may be installed in the incorrect location and needs to be moved. A continuance is needed due to the late submittal of the plan revisions this evening; the Commission did not have sufficient time to review it. Agent Miller commented that there are substantive changes to the riverfront calculations (from Version 2 to Version 3) of over 5%. Mr. Carlson disagreed stating he felt changes are not substantive. It was discussed that the 3 NOI's submitted this evening for 14, 18, & 22 Cooper Road all have the same issues to address.

A. Petronio clarified/confirmed that the revised plan for this NOI matches up with the Definitive Subdivision. He acknowledged that the fence is likely not physically located in the correct place due to the measurements/pictures provided. The applicant was asked to revise the fee calculations for RA.

Aaron Weisman, 274 Arcade Ave, is an abutter on the southern side of the entire subdivision and voiced concerns regarding water runoff and pooling on his property because of changes in the topography along his property border (specifically toward the west from the first three lots of the subdivision). He reported he brought the issue up to Superintendent, Dave Cabral and GPI and still does not have a resolution to the problem. Water is running off even before it gets to the basin they put in; the topography has been raised opposite his fence.

Agent Miller commented that the stormwater structures are constructed now, but as you get further into build-out, the structures will be on individual property owner parcels. Mr. Andrade commented that things are constructed to plans, and the matter is in the hands of the Town/GPI review engineer to verify it is constructed properly. J. Sullivan stated this issue does not appear to fall under the Conservation purview (it is outside of the drainage easement as well as the river front area) and will be followed up with Mr. Cabral and Planning. He encouraged Mr. Weisman to reach out to Board of Selectmen. Agent Miller stated she would send an email to Mr. Cabral and GPI to close the circle.

Catherine Forsa, 35, Wood Hollow Lane, Rumford spoke stating she is the property owner for 14 Cooper Road. She expressed frustration with the length of time it has taken since March of this year to get all board approvals to move forward with the building of her single-family home. She felt the Commission should focus only on her lot tonight, and not the entire subdivision. Mr. Sullivan explained the delays were due to National Grid and the moving of the telephone pole, and not on the part of the Town. This is the first time the Conservation Commission has been involved, and this is the first meeting for this hearing.

Ms. Forsa asked why the fence line on the adjacent lot is connected to her lot.

A. Petronio replied that the entire subdivision had a requirement for the fence; it cannot be addressed by individual lots. The Forsa's asked why the fence is an issue now, when it has been installed for several months. Ms. Miller stated that Malloch Construction has known about the issue with the fence for over two months. She reported that she has been performing site visits for the last few months and has talked with a number of individuals about her concerns with this site. Ms. Forsa asked why the Commission could not vote on this filing today. K. Kearney replied that information/calculations need to be shown on the plan, and the Commission cannot just take the promise that they will be on the plan. The plan is a legal document.

Ms. Forsa asked for clarification as to what is missing on the plan. Agent Miller explained the revised plan (Version 3) was just submitted this evening and not a week prior to the meeting as required to allow ample time for the Agent and Commission members to review.

Ms. Forsa reiterated her frustration with previous delays. Ms. Kearney spoke to Ms. Forsa's frustration compassionately stating this is something that have been going on for a long time, and Conservation is coming in at the tail end of it; we weren't the causes of all the other delays. We are doing our normal procedure. I am so sorry you have gone through that; don't think we are not sympathetic; it sounds terrible. We understand it is coming to a head for you now, but I hope you understand we are all volunteers working hard, too and trying to help the community. The Commission agreed to hold a special meeting in a week; Mr. Andrade, InSite agreed to make the fee schedule changes and provide the revised NOI pages; he stated he could have them submitted for the next day. Ms. Forsa thanked the Commission stating she hoped for a favorable outcome at the January 20th meeting. A. Petronio explained to Ms. Forsa he is placing the onus on the right people; everyone has to do their part to make this happen. If we still don't have the information, this board won't be able to decide.

A. Petronio made a motion to continue NOI #SE69-0943; 14 Cooper Rd to December 20, 2021 sometime after 7:00 p.m.; J. Sullivan seconded.

Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor.

NOI #SE69-0945; 18 Cooper Rd (Map 21/Lot 351)

Proposed construction of a single-family home with associated grading within jurisdictional wetland resource areas.

Applicant: Northeast Custom Homes

Representative: InSite Engineering

Agent Miller read in the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** via remote session on **MONDAY, December 13, 2021 after 7:00 p.m.** on a **Notice of Intent** by **Northeast Custom Homes** for **18 Cooper Rd (Map 21/Lot 351)** for proposed construction of a single-family home with associated grading within jurisdictional wetland resource areas.

Chris Andrade, InSite Engineering represented the applicant and summarized the project for a 4-bedroom single-family home proposed to fall between the 50' and 100' buffer. The majority of the work falls within the 50' buffer. A portion of the LOD falls between the 25' and the 50' and has a portion in the 200' Riverfront. A straw wattle with a split-rail fence is proposed and a construction entrance along the roadway to mitigate runoff. He reported that this lot accounts for 51% of the calculation for the total disturbance for the Cooper Road Definitive Subdivision Project (14,000 sq ft, which is the allowed 10% alteration within a riverfront zone). Impervious calculations are proposed at 28.70 sq. ft.

Agent Miller commented that this filing has similar outstanding items as 14 Cooper Road. Mr. Andrade stated that he could get all the outstanding items for the three (3) Cooper Road filings (14, 18, & 22) the following day. Agent Miller commented that in the interest of time and shortening the already lengthy January meeting Agenda, it should be a relatively smooth process to have the three Cooper Road filings continued and heard at the special meeting of the Commission on December 20, 2021. The Commission discussed and agreed.

K. Kearney made a motion to continue NOI #SE69-0945; 18 Cooper Rd to December 20, 2021 sometime after 7:00 p.m.; N. Socha seconded.

Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor.

NOI #SE69-0944; 22 Cooper Rd (Map 21/Lot 350)

Proposed construction of a single-family home with associated grading within jurisdictional wetland resource areas.

Applicant: Northeast Custom Homes

Representative: InSite Engineering

Agent Miller read in the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** via remote session on **MONDAY, December 13, 2021 after 7:00 p.m.** on a **Notice of Intent** by **Northeast Custom Homes** for **22 Cooper Rd (Map 21/Lot 350)** for proposed construction of a single-family home with associated grading within jurisdictional wetland resource areas.

Chris Andrade, InSite Engineering represented the applicant and summarized the project for a 4-bedroom single-family home proposed to fall between the 50' and 100' buffer. The rear corner of the house falls in the 100' buffer, and grading will be done in the resource area. A portion of the LOD falls in the 200' Riverfront. He reported that this lot accounts for 41% of the calculation for the total disturbance for the Cooper Road Definitive Subdivision Project (14,000 sq ft, which is the allowed 10% alteration within a riverfront zone). Straw wattles are proposed to run almost the entirety of the project aside from the southern property line; they will include the detention easement and along the road. Impervious calculations are proposed at 28.75.

It was noted that this filing also has similar outstanding items as 14 Cooper Road. The Commission discussed Field measurements.

A. Petronio made a motion to continue NOI #SE69-0944; 22 Cooper Rd to December 20, 2021 sometime after 7:00 p.m.; K. Kearney seconded.

Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor

NOI #SE69-0946; 337 Greenwood Ave (Map 18/Lot 179)

Proposed construction of a single-family home with associated grading within jurisdictional wetland resource areas.

Applicant: Northeast Custom Homes

Representative: InSite Engineering

Agent Miller read in the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** via remote session on **MONDAY, December 13, 2021 after 7:00 p.m.** on a **Notice of Intent** by **Northeast Custom Homes** for **337 Greenwood Ave (Map 18/Lot 179)** for proposed construction of a single-family home with associated grading within jurisdictional wetland resource areas.

Chris Andrade, InSite Engineering represented the applicant and summarized the project for a 4-bedroom single-family home proposed within the 100' buffer including the deck and the septic tank; grading falls between the 25' and 50' buffer. The LOD is proposed roughly 5' off of the 25' buffer. A split-rail fence is proposed to run the entirety of the project to the northern abutting property line; straw wattles will run along the property line at the 100' along the split-rail fence terminating at the street. The septic and grading in the south fall in the 200' Riverfront. Proposed alteration is 3,000 sq. ft.

Agent Miller stated that for the original filing for this property in 2008/9, there were concerns about the wetland line; it was reviewed by a third party consultant who had concerns. That has been forwarded, and we are waiting for Ecosystem Solutions to go out and take another look at the site. The site is very wet and contains a few resource areas; the Runnins River runs along it. It is in a flood zone, and there are wetlands across the street and at the rear of the property. She noted that there are wetland soils where the perk tests were done, the soils were very depleted with lots of mottling. Flags are in place from the previous filing (reflagged without fresh delineation). Orders of Conditions were never issued; Wetland line was not approved at that time. She noted that the third party consultant disagreed with the flagged line. The line was never moved forward.

K. Kearney commented that a continuance is necessary and that it is reasonable for the Commission to ask for re-delineation of a wetland line more than 10 years old. It was discussed a revised Plan 3 showing the adjacent wetland line is necessary because it will affect the design at the front; the driveway would fall in the 100' buffer zone, so all series should be accounted for on the plan. Mr. Andrade expressed concern for authorization to flag the abutting property. Ms. Miller explained the property is owned by the Seekonk Land Trust and has previously responded she would be happy to reach out to them; they should not have a problem with going onto the property.

K. Kearney made a motion to continue NOI #SE69-0946; 337 Greenwood Ave to January 10, 2022 sometime after 7:00 p.m.; J. Sullivan seconded.

Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor

NOI #SE69-TBD; 0 & 34 Hammond St/ 0, 291, 297 & 303 Chestnut St (Map 10/Lots 305-310)

Proposed construction of a shared septic system for five single-family dwellings, including a sewer force main, leach field, and gravel access road within jurisdictional wetland resource areas.

Applicant: Douglas Crandall

Representative: InSite Engineering

Agent Miller read in the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** via remote session on **MONDAY, December 13, 2021 after 7:00 p.m.** on a **Notice of Intent** by **Douglas Crandall** for **0 & 34 Hammond St/ 0, 291, 297 & 303 Chestnut St (Map 10/Lots 305-310)** for proposed construction of a shared septic system for five single-family dwellings, including a sewer force main, leach field, and gravel access road within jurisdictional wetland resource areas.

Chris Andrade, InSite Engineering represented the applicant for the project for a proposed shared septic and access road for 5 ANR lots and did not present any testimony as after an initial meeting between Town Counsel and applicant's counsel, we are waiting for the applicant's attorney to go over aspects of the submittal and give feedback as well as case research on both sides. MassDEP has not issued a file number. A continuance is necessary.

Bo Akers, counsel for the applicant requested a continuance in order to work out prior comments from the conference call meeting before presenting to the Conservation Commission.

Brian Trendell, 42 Hammond Street abutter to the proposed project asked what the conference between the two counsels was for. Agent Miller replied these ANR lots have frontage and stand alone; they are not part of a subdivision which is more of a Planning aspect than a Conservation aspect. The purpose of the meeting is to go over concerns that both the applicant and the Town have and make sure we are looking at all of the different case history before we move forward. The Commission needs to review all the case information and get an opinion from Town Counsel.

Mr. Trendell commented that the land is extremely wet all year round, and additionally on some of the lots, since he moved into his property in 2018, there has been landscaping trucks back there as well as piles of dirt and landscaping debris. He believes trees have been cut right up against the wetland line. He also inquired if the case history was public record. Agent Miller replied it is part of the public record unless subject to attorney/client privilege.

Mr. Petronio asked when the last time the property was walked. Agent Miller reported that the last permit application was in 2016, Orders of Conditions were issued, and those expired in 2019. The wetland line was reviewed by a previous Conservation Agent. She stated that with a new filing, the wetland line will be revisited. The applicant's wetland scientist will decide if it is to be adjusted from where it was previously or stay the same. Agent Miller will additionally make a site visit and review the wetland line.

A. Petronio made a motion to continue NOI #SE69-TBD; 0 & 34 Hammond St to January 10, 2022 sometime after 7:00 p.m.; J. Sullivan seconded.

Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor

Public Meeting:

Enforcement issues:

- **NV 2021-05 & EO 2021-05; 0 Taunton Ave** (plan submission & update)
Violation and Enforcement Order for disposal of yard waste along slope with wetland at the toe; dumping of baghouse fines into wetland which spills onto Town of Seekonk Property. Agent Miller reported she met onsite with InSite, their wetland's scientist, and the property owner to look at the scope and magnitude of the dumping of baghouse fines. She would additionally like to meet on site with MassDEP to get their opinion as the dumping is extensive. She has asked InSite and their wetland's scientist to perform additional probing to get a sense of depth of the fines throughout the site.

Chris Andrade, InSite Engineering represented Lynch. He showed a plan with the area of concern. He explained erosion controls have been put up after the fact to mitigate any additional runoff. He showed an area that they were asked to try to get down to native soil and reported they dug down 6-8 feet of fines where they could probe with an auger; they did not go any further as it is dangerous because the fines have turned to a quick sand like material. The botanist, Claire, did find redox. It is difficult to discern what is man-made and what is actual wetland. Mr. Andrade said they will make the assumption that this was a low spot of pooled water from a previous gravel site and turned into a wetland. He noted that there is a very steep slope and they would like to propose doing a substantial replication. He showed a historical photo from 1971 depicting the gravel pit and showing the fines area and depressions from work in the 1970's. He pointed out the haul road and where fines were dumped over the hill on a 2018 photo. The worst area is 6 to 8 feet deep tapering off to 30 inches. Additional testing will be done, but they prefer MassDEP be on site to give input. Mr. Andrade showed a restoration plan stating he proposes stripping off 2 to 3 feet, putting a stabilizing grid on top, and backfilling with stable fill material to mitigate additional issues. They agree to replicate resource areas. It was noted that all the impacts are on the Town of Seekonk's side. A site meeting is pending with MassDEP. Updates will be given at the January 10, 2022 meeting.

- **NV 2021-06 & EO 2021-06; 0 Pine St** [Berson Estates Subdivision] (plan submission & update)
Violation and Enforcement Order for improper installation of erosion controls into the 25' No Touch area.

Chris Andrade, InSite Engineering represented Ryan DuVally. He reported that there are three areas of disturbance within the 25' No Touch buffer. He showed a site plan depicting the areas of impact. He proposed restoration, removal by hand of any debris, reseeding, and installation of a straw wattle and split-rail fence in the first area of impact. The second area a similar process will be followed as well as leveling out tractor marks and restoring the area back to its natural state. The third area was a smaller disturbance where debris will be removed and the area reseeded.

Agent Miller showed photos of the extent of the impacts on the site. She commented that the silt fence installed in the incorrect place has been left in place in the disturbed area as a barrier until the area is stabilized. New erosion controls have been installed in the correct place. Agent Miller questioned if seeding was sufficient. N. Socha commented some shrubs and trees should be replanted. She reported that because stormwater structures come into play, the split-rail fence that sits off the LOD will be installed later.

The Commission discussed the area of impact and treatment method. A meadow mix was discussed for the front area (Section 1). A meadow mix, 7 trees of a 2 1/2" caliper, and 24 shrubs should be added at the back (Section 2).

- **NV 2021-07 & EO 2021-07; 305 Oak Hill Ave** (plan submission & update)
Violation and Enforcement Order for removal of several large diameter trees and placement of storage containers in the disturbed area.

Agent Miller reported that the property owner has not contacted the Conservation Office, and she will follow up for next month's meeting.

Other Business:

- Agent Miller reported that a new commission member will hopefully be introduced next month.

Approval of Minutes: September 13, 2021 & November 15, 2021

**K. Kearney made a motion to approve the September 13, 2021 minutes, N. Socha seconded.
Roll Call Vote: 3-0-2 K. Kearney, N. Socha, R. Emlen - (A. Petronio & J. Sullivan abstained).**

**R. Emlen made a motion to approve the November 15, 2021 minutes, J. Sullivan seconded.
Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor**

**K. Kearney made a motion to adjourn the meeting at 10:56 p.m., J. Sullivan seconded.
Roll Call Vote: 5-0-0 K. Kearney, N. Socha, R. Emlen, A. Petronio, J. Sullivan – in favor**

Respectfully submitted,
Kim A. Lallier
Conservation Secretary

Formally accepted on 1/10/2022 4 in favor, 0 against, 1 abstention

Full Video available to view on TV9 Seekonk Community Access Television
Link: <http://tv9seekonk.com/>